

**REMARKS****I. Claim Status:**

Claims 1-29 are pending. Claims 4 and 24-29 stand rejected. Claims 1-3 and 5-23 are allowed.

**II. Rejections under 35 U.S.C. § 112, Second Paragraph:**

Claim 4 is rejected under § 112, second paragraph, as being indefinite for reciting silica being added to ceramic raw materials or slip. To more particularly point out and distinctly claim that which the applicant considers to be the subject matter of the invention, claim 4 has been amended to recite "a slip formed by grinding the raw materials." Support for the amendment is found in the published application in paragraphs 30-32 and 47, which collectively describe the slip as resulting from the grinding of the raw materials, and the addition of the precipitated silica and/or silica gel to the formed slip. The amendment renders the rejection thereof moot. Reconsideration and removal of the rejection of claim 4 under § 112, second paragraph, are respectfully requested.

**III. Rejections under 35 U.S.C. § 102(b):**

Claims 24, 25, 27 and 29 stand rejected as being anticipated by U.S. Pat. No. 6,228,160 to Hanich et al. (hereinafter referred to as "Hanich"). Claims 24 and 25 have been amend to recite that the Fe-based solutions color both the silica granules dispersed uniformly in the ceramic material and the ceramic material itself. Support for the amendments is found throughout the specification. As explained in the accompanying 132 Declaration of Graziano Vignali, Hanich discloses a process to produce a stain that fires to a red-brown color. [2:65]. The stain of Hanich is produced by distributing a coloring component, i.e., Fe<sub>2</sub>O<sub>3</sub> and/or one or more other

iron compounds [2:66], in a pulverulent matrix comprising an oxide like and/or silica-like material [3:11-15]. The pulverulent matrix is amorphous and preferably amorphous silica [4:50-61]. Based on this disclosure, the stain of Hanich is a combination of an Fe source and amorphous silica.

The Hanich stain is then mixed with the ceramic composition and homogenized [5:22-23]. By examining the colored portion of the ceramic material colored in accordance with Hanich with the scanning electron microscope (SEM) technique explained at 4:7-9 of the present application, one would find the iron colorant residing solely in the pores of the silica particles in the stain granules and not uniformly dispersed throughout the ceramic material.

In contrast to Hanich, applicant's invention requires the step of adding precipitated and/or silica gel to a conventional ceramic material and subsequent treatment with a colorant solution comprising an organic or inorganic Fe(II) and/or Fe(III) compound. The treatment is performed by conventional techniques that allows for the partial or total covering of the ceramic surface with the coloring solution [13:15-20]. When the colored portion of a ceramic piece made in accordance with the invention is examined with the SEM technique, the silica in the form of granules is shown to be colored by the Fe-based solutions **and** the surrounding ceramic material is also shown to be colored by the Fe-based solutions, which results in uniform coloring superior to that of ceramic material colored in accordance with the teachings of Hanich.

For this reason, Hanich does not anticipate claims 24 and 25. Reconsideration and removal of the rejections of claims 24 and 25 under § 102(b) are respectfully requested.

Claims 27 and 29 depend ultimately from claims 24 and 25, and are therefore allowable for the same reasons given for claims 24 and 25.

Reconsideration and removal of the rejections of claims 27 and 29 are respectfully requested.

**IV. Rejections under 35 U.S.C. § 103(a):**

Claims 26 and 28 stand rejected as being obvious over Hanich. Applicant respectfully traverses the rejection.

Claims 26 and 28 depend from allowable base claims 24 and 25, respectively. As such, claims 26 and 28 are allowable for the same reasons given with respect to claims 24 and 25. Reconsideration and removal of the rejections of claims 26 and 28 under § 103(a) are respectfully requested.

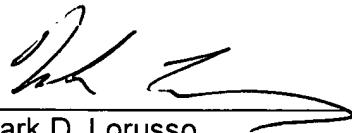
**V. Allowable Subject Matter:**

Applicants acknowledge with appreciation that claims 1-3 and 5-23 are deemed allowable, and that claim 4 is deemed allowable if the § 112, second paragraph, rejection is overcome. Applicants have addressed the § 112, second paragraph rejection, and therefore claim 4 is allowable for all the reasons given herein.

**VI. Conclusion:**

For all the foregoing reasons, the claims are considered to define patentably over the prior art. Reconsideration is requested and favorable action is solicited.

Respectfully Submitted,



Mark D. Lorusso  
Reg. No. 41,955  
LORUSSO & ASSOCIATES  
PO Box 21915  
Portsmouth, NH 03802  
Tel.: 603 427-0070  
Fax: 603 427-5530  
Email: [mlorusso@loriplaw.com](mailto:mlorusso@loriplaw.com)

Docket No.: NBG-115

Dated: March 13, 2009